

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)**

REUBEN DRAKE,

*

Plaintiff,

*

v.

*

Civil Action No. 1:19-cv-02134-CCB

SYNCHRONY BANK,

*

Defendant.

*

* * * * *

DEFENDANT’S PARTIAL MOTION TO DISMISS

Defendant Synchrony Bank (“Synchrony”), through undersigned counsel, moves to dismiss Counts I and II, to the extent they are premised on the alleged use of an Automatic Telephone Dialing System, and Count IV of Plaintiff Reuben Drake’s Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6). Synchrony has attached a Memorandum of Law in Support of its motion.

WHEREFORE, Defendant respectfully requests that the Court dismiss Counts I and II, to the extent they are premised on the alleged use of an Automatic Telephone Dialing System, and Count IV Plaintiff’s Amended Complaint.

DATED: March 8, 2023

Respectfully submitted,

/s/ Daniel Z. Herbst

Daniel Z. Herbst (Bar No. 17510)

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CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2023, a copy of the foregoing Partial Motion to Dismiss was filed electronically, using the ECF system, which will send notification of such filing to all parties of record. Plaintiff, who is proceeding *pro se*, has executed and filed a Consent by Self-Represented Litigant to Receive Notices of Electronic Filing (ECF no. 3).

/s/ Daniel Z. Herbst
Daniel Z. Herbst